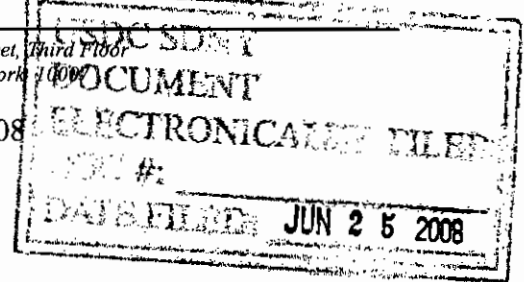


U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, Third Floor
New York, New York 10007

June 23, 2008



MEMO ENDORSED

BY HAND DELIVERY

Hon. Laura T. Swain
United States District Judge
United States Courthouse
500 Pearl Street, Room 755
New York, NY 10007

Re: *Karawia, et al. v. United States Dep't of Labor*, 08 Civ. 5471 (HB)

Dear Judge Swain:

This Office represents the United States Department of Labor ("DOL") as the defendant in the above-referenced matter. Pursuant to a Scheduling Order entered by Judge Baer on June 18, 2008 (the "June 18th Scheduling Order"), a copy of which is attached, a conference or hearing on plaintiffs' request for preliminary injunctive relief is currently scheduled before Your Honor, as the Judge responsible for Part I matters during the week of July 14, at 10 a.m. on July 14, 2008. I write respectfully: 1) to provide Your Honor with a brief summary of the procedural background of this action and 2) to inquire as to whether 10 a.m. on July 14, 2008, or another day and time in that week, is more convenient for Your Honor.

Briefly, plaintiffs are a corporation providing security services and the President of that corporation. Plaintiffs are subject to debarment from procuring federal contracts on account of numerous alleged violations of the McNamara-O'Hare Service Contract Act, 41 U.S.C. §§ 351-358, pursuant to a Final Decision and Order of DOL's Administrative Review Board dated December 21, 2007, reconsideration of which was denied pursuant to an Order dated May 30, 2008. Plaintiffs seek to enjoin DOL from proceeding with the debarment process and, specifically, from placing them on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-Procurement Programs (the "GSA Debarment List").

On June 17, 2008, plaintiffs sought expedited relief, by order to show cause, to enjoin DOL from placing them on the GSA Debarment List. Judge Baer initially issued an Order on June 17, 2008, scheduling a hearing on plaintiffs' request for preliminary injunctive relief for 4 p.m. on June 25, 2008 and ordering DOL to respond to plaintiffs' request by 5 p.m. on June 20, 2008.

While DOL's interest in implementing the debarment process expeditiously is substantial, it recognized that a brief adjournment of the hearing date was beneficial to have an opportunity to fully brief the relevant issues. After conferring with plaintiffs' counsel and with Judge Baer's chambers, I requested that the matter be adjourned to July 14, 2008 at 10 a.m. so as to allow the parties to fully brief the relevant issues. Judge Baer granted that request and

Copies mailed/faxed to
Chambers of Judge Swain

AUSA
6-25-08

issued the June 18th Scheduling Order, pursuant to which the preliminary injunction hearing has been rescheduled to take place before Your Honor, as the Judge responsible for Part I matters that week.

If 10 a.m. on July 14 is not a convenient time for the parties to appear before Your Honor, I would be glad to confer with counsel for plaintiffs and propose a set of alternative dates and times during that week. I thank the Court for its consideration of these matters.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 

LI YU

Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2734
Fax: (212) 637-2686

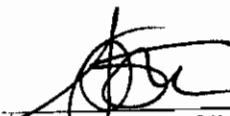
Enclos.

cc: Hon. Harold Baer (By Hand)
United States District Judge
United States Courthouse
500 Pearl Street, Room 2230
New York, NY 10007

Sam Z. Gdanski, Esqs. (By Facsimile)
Gdanski and Gdanski LLP
3 Rockwood Lane
Suffern, New York 10901
Fax: (845) 362-4700

The matter remains scheduled for 10:00 AM on July 14, 2008, in Courtroom 17C. Reply papers shall be served and filed, with a courtesy copy to the undersigned's chambers, by July 9, 2008. The parties shall ^{confer and} inform the Court promptly (and in any event by July 9, 2008) as to whether and to what extent they intend to present live witness testimony in connection with the preliminary injunction Motion.

SO ORDERED.

 6/24/2008
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

20. p
JUN-18-2008 17:26 FAX 2128057801

HON. HAROLD BAER, JR.
US ATTORNY'S OFFICE

57:91 8002-61-NH

002/002
212 P.04

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OUSAMA KARAWIA and INTERNATIONAL
PROTECTIVE SERVICES, INC. d/b/a ISI,

Plaintiffs,

- v -

UNITED STATES DEPARTMENT OF LABOR,

Defendant.

08 Civ. 5471 (HB)

ECF Case

SCHEDULING ORDER

1. WHEREAS, on June 17, 2008, this Court issued an Order to Show Cause for Preliminary Injunction setting a hearing on plaintiffs' request for preliminary injunctive relief for 4 p.m. on June 25, 2008.

2. WHEREAS, the parties have jointly requested a brief adjournment of the preliminary injunction hearing in light of the nature of the relief requested and the need for defendant the United States Department of Labor to fully investigate and brief the relevant issues;


IT IS HEREBY ORDERED that:

1. The preliminary injunction hearing is adjourned to 10 a.m. on July 14, 2008, to be presided over by the Part I Judge on that date, the Hon. Laura T. Swain, or on another date and time so designated by the Judge Swain.

2. The defendant United States Department of Labor shall serve and file its opposition papers to plaintiffs' request for preliminary injunctive relief on or before July 2, 2008.

3. The United States Attorney's Office shall send a copy of this Scheduling Order to Judge Swain and to counsel for plaintiffs.

Dated: 6/18/08


HON. HAROLD BAER
UNITED STATES DISTRICT JUDGE

| |
|---------------------------|
| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED <u>6/19/08</u> |